APPENDIX I.

[Vide answer to question No. 476 asked by Mr. P. Bhaktavatsulu Nayudu at the meeting of the Legislative Council held on the 10th October 1928, page 267 supra.]

(i)

G.O. No. 3346, Law (General), dated 22nd October 1927.

With reference to paragraph 3 of G.O. No. 135, Law (General), dated 17th January 1927, the Inspector-General of Police has submitted the following suggestions for securing better representation of the Crown in Criminal Appeals, viz. :—

(1) Notices of criminal appeals, with copies of the grounds of appeals, should be furnished to the Superintendent of Police, in order to enable him, if necessary, to prepare his instructions.

(2) A police officer of the district concerned should always be present to instruct the Public Prosecutor, Madras.

(3) The Public Prosecutor should have at least one assistant appointed by Government.

(4) The Public Prosecutor should correspond direct with the Superintendents of Police concerning cases.

2. The Government have considered these suggestions and are pleased to approve all of them except the third, regarding which separate orders will be issued.

3. The necessary amendments to the Criminal Rules of Practice will be made.

(ii)

G.O. No. 3751, Law (General), dated 25th November 1927.

In G.O. No. 3346, Law (General), dated 22nd October 1927, the Government accepted the suggestion, among others, of the Inspector-General of Police, that a police officer of the district concerned should always be present to instruct the Public Prosecutor in Criminal Appeals before the High Court. The Government now agree with the Public Prosecutor that this rule need not be made absolute, and that the deputation of police officers may be left to the discretion of the District Superintendents of Police, in consultation with the Public Prosecutor, if necessary. They also agree that the Superintendents of Police should be directed to ascertain from the Public Prosecutor in advance the exact date of the hearing of cases in which it is considered desirable to send an officer to instruct him. The Inspector-General of Police is requested to issue instructions accordingly.

2. The presumption of the Public Prosecutor, Madras, that the instructions from the Superintendent of Police referred to in paragraph (1) of G.O. No. 3346, dated 22nd October 1927, are additional to those furnish d by the District Magistrate, is correct.

10th October 1928]

Criminal Appeals—Better Representation of the Crown—Instructions of the Public Prosecutor, Madras.

The following circular of the Public Prosecutor, Madras, No. 143, dated 5th March 1928, is published :—

[*Reference.*—G.O. Mis. No. 3346, Law (General), dated 22nd October 1927—G.O. No. 3751, Law (General), dated 25th November 1927.]

In accordance with the above orders of Government copies of notices in all criminal appeals are sent to Superintendents of Police by the High Court. Superintendents of Police decide in consultation with me if necessary whether a deputation of a police officer is necessary and intimate to the High Court whether an additional set of records will be required. Ordinarily in jury cases police officers need not be deputed. In criminal revision cases notices are sent by this office to the District Magistrate who in some cases forwards them to the Superintendents of Police. Ordinarily, in revision cases deputation of an officer is unnecessary.

II. Date of hearing.—(*a*) Criminal appeals, Referred Trials and References in jury cases to be heard before a Bench on a Monday will be posted in the rough list on the previous Tuesday when intimations will be sent to Superintendents of Police in cases where they have asked for such intimation and only after receipt of such intimation from this office, the officer deputed should proceed to Madras to instruct me.

(*b*) Criminal revision cases are ordinarily posted before a single Judge on Thursday and the approximate date of hearing in such cases is known seven days before the hearing.

(*c*) Sometimes officers come up on the date given in the notice issued by the High Court, but this date is only a formal one and *no case ordinarily comes on for hearing on the date given in the notice.*

III. Application for transfer.—(*a*) Under section 526 (6), Criminal Procedure Code, no application for transfer on behalf of the accused can be moved in the High Court unless 24 hours' notice is given to the Public Prosecutor. The High Court either calls for a report or adjourns the case to enable me to obtain instructions from District Magistrates, or dismisses the petition summarily. The petition, if adjourned, is posted to a specific date and I request that instructions may be sent before that date. In some cases the High Court awards costs under section 526 (6-A) which are recoverable under section 547, Criminal Procedure Code.

(*b*) In applications for transfer by complainants, the Court generally orders notice to me and in such cases instructions are obtained in the usual way.

(*c*) If any District Magistrate wants a case to be transferred from the file of one Sessions Court to another, requisition should be sent to me and I will then obtain orders of Government in accordance with the rules annexed to G.O. No. 646, Judicial, dated 4th April 1913.

IV. Bail.—Ordinarily no notice is given to the Public Prosecutor before moving an application for bail. Sometimes the Court after the application is moved directs notice to me and adjourns the case to a specific date to enable me to get instructions. Sometimes practitioners give me notice of

their intention to apply for bail, in which case I apply to the District Magistrate for instructions. If District Magistrates or Superintendents of Police desire me to appear and oppose any application for bail which is likely to be moved in the High Court, the procedure laid down in G.O. Mis. No. 632, Public, dated 24th June 1926, should be followed.

V. Enhancement or reduction of sentence.—(*a*) In all cases in which the District Magistrate is of opinion that a sentence awarded by a Subordinate Magistrate ought to be enhanced or reduced, he may make a recommendation to the High Court under section 438, Criminal Procedure Code.

(*b*) If the District Magistrate thinks that a sentence awarded by a Sessions Court ought to be enhanced, he should make the recommendation to Government in accordance with G.O. No. 1494, Judicial, dated 25th September 1901.

(*c*) If an accused sentenced by the Sessions Court has appealed to or moved the High Court in revision against the order of the Sessions Judge, the District Magistrate can in such cases instruct the Public Prosecutor to move for enhancement of sentence—vide G.O. No. 302, Judicial, dated 24th February 1910, and G.O. No. 1256, Judicial, dated 8th June 1915.

VI. Appeals against acquittals.—(*a*) In forwarding recommendations to Government for appeal against acquittals, District Magistrates are requested to put up the following records also :—

(1) Certified copy of the judgment of the lower Court and, if more than one court has dealt with the case, copies of the judgments of all the courts should be forwarded. *The certified copies need not be on stamp paper as the officers of Government have been exempted from stamp duty on judgments and copies of depositions.*

(2) Copies of evidence wherever possible.

(*b*) The information called for in this office Circular Letter No. 140, dated 23rd January 1928, to District Magistrates regarding the status of the accused may also be furnished.

VII. Attention is also invited to this office Circular Letter No. 141, dated 14th February 1928, requesting District Magistrates to send me formal instructions to appear in cases immediately after receipt of notice from this office.

Appendix II.

[Vide answer to question No. 480 asked by Mr. Abdul Hamid Khan at the meeting of the Legislative Council held on the 10th October 1928, page 272 supra.]

G.O. No. 1909, Judicial, dated 10th August 1880.

The "* Act for the appointment of persons to the office of Kazi" having been passed by the Legislative Council of the Government of India and become law, His Grace the Governor in Council resolves with reference to section 2 of the Act, to direct the officer in charge of the Government Agent's office, Chepauk, to consult with His Highness the Prince of Arcot, the hon. Mir Humayun Jah Bahadur, Mr. Muhammad Usuf Sahib, J. P. Honorary Surgeon Mohideen Sheriff Khan Bahadur, and any other Muhammadan gentlemen whom he may consider necessary, and report to Government, at an early date, the names of one or more persons who may be considered fit to be appointed as Kazi in the town of Madras.

* No. XII of 1880.

(True extract)

———,
Chief Secretary.

To the Officer in charge of the Government Agent's office, Chepauk.

———

Appendix III.

[Vide answer to question No. 483 asked by Mr. Abdul Hamid Khan at the meeting of the Legislative Council held on the 10th October 1928, page 276 supra.]

G.O. No. 331, Political, dated 24th May 1899.

The Governor in Council directs that, in future, a minimum fee of Rs. 25 shall be paid to the Kazi of Madras for each case in which Government officers may obtain his opinion on questions of Muhammadan law and custom. In special cases it will be open to officers to apply to Government for sanction to a higher fee.

(True extract)

G. Stokes,
Chief Secretary.

To the Kazi of Madras.
,, Board of Revenue.
,, Departments of the Secretariat.